

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 3:22CV1220
)	
Plaintiff,)	JUDGE
)	
v.)	
)	
CEDAR CREEK BUILDERS, L.L.C.)	<u>COMPLAINT</u>
4900 Scottwood Rd.)	
Willard, OH 44890)	
)	
)	
)	
)	
)	

The United States of America, by Michelle Baeppler, First Assistant United States Attorney for the Northern District of Ohio, brings this action to enforce civil penalties against the Defendant, Cedar Creek Builders, L.L.C. and for its complaint states that:

Parties

1. The Plaintiff is the United States.
2. The Defendant, Cedar Creek Builders, L.L.C. is a limited liability company organized under the laws of Ohio and has its principal place of business in Willard, Ohio within the Northern District of Ohio.

Jurisdiction and Venue

3. This is an action brought to recover civil penalties owed by Cedar Creek Builders, L.L.C. to the United States Department of Labor, Occupational Safety and Health Administration (“OSHA”) for violations of the Occupational Safety and Health Act of 1970 (“the Act”), 29 U.S.C. § 651, et seq., and regulations promulgated thereunder. This Court has jurisdiction over

this matter pursuant to 28 U.S.C. § 1345, which grants district courts original jurisdiction of all civil actions commenced by the United States and 29 U.S.C. § 666(l), which authorizes civil actions to recover OSHA penalties, and further authorizes such actions to be brought in the district where the violations occurred or where the Defendant has its principal offices.

Count I

4. On 09/06/2017, OSHA issued a Citation and Notification of Penalty (denominated Inspection Number 1252250) to Defendant for five violations of the Act at a work site located at 4368 South Township Road 151, Tiffin, OH 44883 on 08/02/2017. A true and correct copy of the Citation and Notification of Penalty served on Defendant is attached hereto as Exhibit A.

5. For the five violations cited in the citation, OSHA set forth proposed penalties in the following amounts: \$2,716.00, and \$3,803.00 (totaling \$6,519.00). By operation of law, if the citation and proposed penalties are not contested within fifteen working days of receipt of the notification by the employer, the citation and proposed penalties are deemed a final order of the Occupational Safety and Health Review Commission (“Commission”) and not subject to review by any court or agency. The Defendant failed to contest OSHA’s citation, so the citation and proposed penalties became a final order of the Commission pursuant to 29 U.S.C. § 659(a).

6. Despite having been served with a demand for payment of the penalty, the Defendant failed to pay the penalty.

7. As of April 12, 2022, penalties, interest, and fees totaled \$11,639.01. A true and accurate copy of the Certificate of Indebtedness is attached hereto as Exhibit B.

DEMAND FOR RELIEF

WHEREFORE, the Plaintiff United States demands judgment in its favor against Defendant Cedar Creek Builders, L.L.C. on Count One in the amount of \$11,639.01; plus interest, fees, and costs since April 12, 2022, and for such other proper relief as this Court may deem just.

Respectfully submitted,

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